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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,272	02/03/2000	David W. LaFore	J99.10	7295

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SHERIDAN ROSS PC  
1560 BROADWAY  
SUITE 1200  
DENVER, CO 80202

EXAMINER

POINVIL, FRANTZY

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/497,272

Applicant(s)

LAFORE ET AL.

Examiner

Frantzy Poinvil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5-10,13,14,16-27 and 40-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-10, 13-14, 16-27 and 40-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claim 42 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Dependent claim 42 which depends on independent claim 40 contains features recited in independent claim 40 and therefore does not further limit claim 40. Applicant is therefore advised to cancel claim 40.

2. Applicant's arguments are incorporated in the rejection found below.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5-10, 13-14, 16-27 and 40-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalmus (US Patent No. 4,674,044) in view of Hawkins et al (6,029,146).

As per claims 1, 2, 5-10 and 25, Kalmus et al disclose an automated securities trading system for managing broker transaction information in compliance with governmental regulation comprising:

Computer processor means for processing data, storage means for storing data on a storage medium, communication means for transmitting and receiving data in a secure environment to and from various remote locations;

First computer software means for creating trade data concerning particular trades to be executed and not being settled in the form of trade records and means for monitoring the modification of trade data in respective trade records which are created by said first computer software means, said means for monitoring including an output audit report, second computer software means for reviewing said trade data from said first computer software means, and for approving/disapproving of the trade records to be executed and not being settled; and third computer software means for maintaining security measures for said data processing system to prevent unauthorized access and use of said trade data. Applicant is directed to column 3, line 55 to column 10, line 38 of Kalmus et al. Features of claims 2 and 9 are also taught by Kalmus et al on column 3, line 55 to column 10, line 38 of Kalmus et al.

Kalmus et al do not explicitly teach means for monitoring log-ins to the data processing system, means for monitoring the activity of a particular broker representative who enters trade data through the first computer software means or means for creating and outputting daily trade blotter information or checks/securities blotters, buy sell tickets and activity logs. Hawkins et al provide all these teachings in a trading security system. Applicant is directed to column 12, line 19 to column 16, line 35 of Hawkins et al. It would have been obvious to one of ordinary skill in

the art at the time of the invention to incorporate the teachings of Hawkins et al into Kalmus et al in order to monitor client activities and to prevent illegal or unauthorized access of the system.

Applicant representative argues that Hawkins et al fail to teach means for monitoring logins to the data processing system. Applicant's representative then amends claim 1 to recite such a function.

In response, applicant is neither indicates or claiming a specific type of log-ins in a computer system nor how the applicant's claimed "log-ins to said data processing system" is different from the log-ins method or system of Hawkins et al. It is noted that Hawkins et al clearly teach a trading security system wherein users log-in to the system and provide means for monitoring all log-ins to the data processing system. See column 12, line 19, to column 16, line 35 of Hawkins et al. Thus, applicant's arguments that the combination Kalmus and Hawkins et al fail to teach monitoring log-ins to the data processing system is not convincing.

As per claims 13, 40 and 42-48, Kalmus et al disclose a method for managing and processing system for managing broker transaction data. See the abstract. The system comprising inputting broker transaction data on a broker computer of a data processing system reflective of a trade of a security to be executed and not being settled, forwarding the broker transaction data to a main computer having a main database and recording the transaction data on the main database in the form of an original trade record to be executed and not being settled. Applicant is directed to column 3, line 55 to column 10, line 38 of Kalmus et al. Kalmus et al do not explicitly teach the forwarding and returning steps. However, Kalmus et al teach executives at a brokerage house may authorize a transaction. Applicant is directed to column 5, lines 47-59, column 6, lines 48-63 and column 4, line 61 to column 5, line 5 of Kalmus et al. Hawkins et al further disclose that an originating broker may enter, maintain and cancel orders (see column 12, lines 25-35). Hawkins et al also provide a check button for allowing the broker supervisor to authorize transmittal of orders and executions from the broker workstations. Other agents and subagents may modify, authorize, cancel or modify an order. See column 14, line 34 to column

15, line 13 of Hawkins et al. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Hawkins et al in Kalmus et al in order to allow a supervisor to override a transaction or to bring a transaction into compliance with rules and regulations.

As per claims 13 and 40, applicant has amended the claims to include functions of :

Changing an element of data on the original trade record;

Recording the change of data in the original trade record;

Creating a display in the form of a comparison showing the original trade record, and the original trade record as amended with the changed data element; and argues that these features are not present in Hawkins et al.

In response, as per claims 13 and 40, steps or means of changing and/or authorizing

and/or executing a trade order by one or more entity is clearly taught by Hawkins et al

on column 14, line 34 to column 15, line 13 of Hawkins et al. The recordation of

changes in the original trade record is not explicitly taught by the combination of

Hawkins et al. and Kalmus et al. and steps or means for creating a display in the form

of a comparison showing the original trade record and the original trade record as

amended with the changed data element is not explicitly stated in the combination.

However, the Examiner asserts that such is routinely done in most financial systems

and/or in documents having a high degree of importance. For example, such is

routinely done in the patent field whereby attorneys usually amend their related patent

application and record and indicate the changes. Thus, it would have been obvious to

one of ordinary skill in the art at the time of the invention was made to provide these

teachings in the combination of Hawkins et al and Kalmus et al. in order to clearly show

a complete history of trade transactions of an investor or broker.

Claims 24 and 26 contain limitations recited in claim 13 and these limitations are rejected under a similar rationale. As per features relating to providing communications in the form of an Email message, the examiner asserts that transferring these information in the form of an Email message in the combination of Kalmus et al and Hawkins et al would have been obvious to one of ordinary skill in the art at the time the invention was made in order to provide recipients and/or entities with instant information regarding particular orders or transactions.

As per claims 16-23, applicant is directed to column 12, line 19 to column 16, line 35 of Hawkins et al.

As per claims 14, 25, 27 and 41, the combination of Kalmus et al and Hawkins et al does not explicitly teach the forwarding and returning steps are achieved by secure electronic transmission using encryption and decryption. Such would have been obvious to one of ordinary skill in the art in the combination of Kalmus et al and Hawkins et al in order to provide unauthorized modification of the transmitted data by hackers.

Applicant then argues that the combination of Kalmus et al and Hawkins et al fails to teach or suggest an output in the form of a compliance report reflective of all rejected Email messages.

In response, Hawkins et al teach generating several reports. See column 30, lines 20-25, column 15, lines 50-67. Hawkins et al also teach that brokers/agents and clients transmit financial transaction messages to one another. See column 10, line 2 to column 12, line 17. A broker's station or financial institutions' system is usually being monitored for compliance with the security and trade commission (SEC). Kalmus et al. Further teach means and steps for determining whether a transaction is executable. A report is generated to the NASD for informational and the Consolidated Tape Authority. See column 5, lines 5-47 of Kalmus et al. thus, generating a compliance report in the form of all rejected Email messages would have been obvious to do in the combination

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of Kalmus et al and Hawkins et al in form compliance purposes by noting all financial messages that meet or fail to meet a certain criteria.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP

March 28, 2005

A handwritten signature in black ink, appearing to be "F. Ham".

F.

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